

Certificate of Notice Page 1 of 4
United States Bankruptcy Court
Eastern District of Pennsylvania

In re:
Zakiya N Oglesby
Debtor

Case No. 17-16328-amc
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2

User: Virginia
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2018.

db +Zakiya N Oglesby, 6136 Christian Street, Philadelphia, PA 19143-2902

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 01, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 27, 2018 at the address(es) listed below:

KENNETH E. WEST on behalf of Debtor Zakiya N Oglesby dwabkty@aol.com,
G6211@notify.cincompass.com

MATTEO SAMUEL WEINER on behalf of Creditor U.S. Bank National Association (Trustee for the
Pennsylvania Housing Finance Agency) bkgroup@kmlawgroup.com

United States Trustee USTPRegion03.PH.ECF@usdoj.gov

WILLIAM C. MILLER, Esq. ecfemails@ph13trustee.com, philaecf@gmail.com

TOTAL: 4

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
ZAKIYA OGLESBY : BKY. NO. 17-16328 AMC
Debtor(s)

**STIPULATION and ORDER PURSUANT TO 11 USC §522(f) and Federal Rule of Bankruptcy
Procedure 4003(d) in Avoidance of Judicial Lien**

The Debtor(s), Zakiya Oglesby, by and through counsel, Kenneth E. West, Esquire of Douglass, West & Associates, and Creditor, Freedom Credit Union, it's successors and/or assigns (hereinafter referred to as Freedom) by and through counsel, Robert M. Morris, Esquire, of Morris & Adelman, P.C. hereby file(s) this stipulation and order to avoid Freedom's judicial lien and in support thereof respectfully represent(s) as follows:

1. Debtor(s) commenced this case by filing a Voluntary Petition under Chapter 13 of the Bankruptcy code on September 15, 2017.
2. William C. Miller, Esquire has been appointed the Chapter 13 Trustee in this case.
3. Freedom Credit Union is a creditor in the above-mentioned filing.
4. On or about September 17, 2015, Freedom, through their counsel, Howard S. Klein obtained a judgment in Freedom's favor against the debtor (Philadelphia Municipal Court No. SC-15-03-02-3050). Said judgment gave rise to a judicial lien in and on the real property owned by Debtor at 6136 Christian Street, Philadelphia PA 19143. The said judgment is entered of record.
5. The Debtor's interest in the real estate referred to in the proceeding paragraph and encumbered by the lien does not exceed \$23,675.00 in value and has been claimed as fully exempt in her bankruptcy.
6. At the time Debtor filed the instant bankruptcy petition, the value of the real estate was approximately \$120,158.00.

7. Debtor's interest in the real estate is subject to a mortgage to PHFA in the amount of approximately \$100,835.34.
8. Debtor's interest in the real estate is subject to a judgment due Portfolio Recovery in the amount of approximately \$1,449.47 (Philadelphia Municipal Court No. SC-14-04-17-5013).
9. The existence of Freedom's lien impairs exemptions to which the Debtor is entitled under 11 USC §522(b).
10. The aforesaid debt was duly listed on the debtor's schedules as debt in the above-captioned case.
11. Freedom's aforesaid lien upon debtor's property is a judicial lien with the purview of 11 USC §522 (f)(1), and impairs debtor's aforesaid exemption within the meaning of 11 USC §522 (f), in that said property has been claimed as exempt under 11 USC §522 (d)(1).

WHEREAS it is the desire of the parties to resolve all matters and claims between the parties, which could be raised in a motion to avoid judicial lien pursuant to 11 USC §522(f) and Federal Rule of Bankruptcy Procedure 4003(d).

IT IS HEREBY STIPULATED AND AGREED by and among counsel for the debtor, KENNETH E. WEST and counsel for creditor, Freedom Credit Union, ROBERT M. MORRIS that:

- 1) The Freedom Credit Union's claim in the amount of approximately \$7,048.86 is allowed as an unsecured claim only (Freedom Credit Union shall amend their Proof of Claim accordingly).
- 2) Upon successful completion of the plan and entry of the chapter 13 discharge, the Debtor is authorized to record copies of this stipulation and order with the Philadelphia Municipal Court.
- 3) The recording of this stipulation and order shall release any and all liens, encumbrances and/or judgments associated with Freedom Credit Union's claim against the property, namely 6136 Christian Street, Philadelphia PA 19143.

- 4) In the event that the chapter 13 plan in this case is not completed, then this stipulation shall not be recorded and Freedom's claim shall not be treated as released.
- 5) The parties agree that a facsimile signature shall be considered an original signature. All parties shall bear their own costs, and the signatories represent that the execution of this stipulation has been authorized by their respective principals.

IN WITNESS WHEREOF, the parties have executed this Stipulation, intending to be legally bound hereby, as of this 23rd day of February, 2018.

BY:

Kenneth E. West
KENNETH E. WEST, ESQ
DOUGLASS, WEST & ASSOCIATES
Attorney for Debtor(s)

BY:

Robert M. Morris
ROBERT M. MORRIS, ESQ.
MORRIS & ADELMAN, P.C.
Attorney for Freedom Credit Union

ORDER APPROVING STIPULATION

AND NOW, to wit, this _____ day of _____, 2018, the above Stipulation be and hereby is APPROVED and entered as an Order of the Court, and the parties thereto are directed to comply therewith.

Upon successful completion of the Chapter 13 Plan and Discharge, the Debtor is authorized to record copies of this stipulation and order in the Philadelphia Municipal Court and/or the Recorder of Deeds. In accordance with the terms of the stipulation, the recording of the stipulation shall constitute the release of any liens, encumbrances and/or judgments associated with Freedom Credit Unions claim against the property, known as 6136 Christian Street, Philadelphia PA 19143 (Philadelphia Municipal Court No. SC-15-03-02-3050).

Date: February 27, 2018

BY THE COURT

BY:

Ashely M Chan U.S.B.J.

Copies to:

KENNETH E. WEST, ESQUIRE
DOUGLASS, WEST & ASSOCIATES
830 Lansdowne Avenue
Drexel Hill, PA 19026

ROBERT M. MORRIS, ESQ.
MORRIS & ADELMAN, P.C.
201 N. Presidential Blvd. S/100
P.O. Box 2235
Bala Cynwyd, PA 19004-6235

William C. Miller, Trustee
1234 Market Street
Suite 1813
Philadelphia, PA 19107

US Trustee's Office
833 Chestnut St Ste 501
Philadelphia PA 19107-4414